



19 MAY 2009

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47533

INTELLECTUAL PROPERTY LAW OFFICE OF JOEL VOELZKE
24772 Saddle Peak Road
Malibu, CA 90265

In re Application of
SINCLAIR *et al*
U.S. Application No.: 10/539,655
PCT No.: PCT/AU2003/001691
Int. Filing Date: 18 December 2003
Priority Date: 18 December 2002
Attorney Docket No.: 123-003
For: ELONGATED ELECTRICAL
CONDUCTOR THAT IS ADAPTED
FOR ELECTRICALLY CONNECTING
WITH AN ELECTRICAL CONTACT

**DECISION ON SECOND
RENEWED PETITION
UNDER 37 CFR 1.47(a)**

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed 19 March 2009.

BACKGROUND

On 30 January 2009, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 19 March 2009, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a supplemental declaration by Matthew Ward and other documentary evidence in support of the renewed petition.

DISCUSSION

The original petition under 37 CFR 1.47(a) filed 14 July 2008 was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to the nonsigning inventor. Accordingly, a refusal to cooperate could not be demonstrated pursuant to section 409.03(d)(II) of the MPEP.

In the renewed petition filed 01 December 2008, the 37 CFR 1.47(a) applicants provided evidence that a copy of the Australian priority application was provided to the nonsigning inventor. However, this was not sufficient to satisfy the requirements of the MPEP. Petitioners were requested to provide a copy of the subject application to the nonsigning inventor for the refusal to cooperate claim to be considered.

In the second renewed petition, the 37 CFR 1.47(a) applicants provided

evidence that a complete copy of the subject application was sent to the nonsigning inventor on 10 February 2009 by email. The nonsigning inventor, Mr. Sinclair, responded on the same day via email. Mr. Sinclair states in his email response that he considers that the other named inventors are not true inventors and refuses to sign the declaration. This response is considered a written refusal to cooperate. Petitioners included copies of all relevant documents with the subject petition.

This evidence satisfies item (2) of 37 CFR 1.47(a). All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to Art Unit 2833 for continued processing.



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Mr. Sinclair:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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